



Montoya, Darlene <dmontoya@nmag.gov>

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## RE: Request for Policies and Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

6 messages

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: jorozco@lagunapueblo-nsn.gov

Tue, Jan 17, 2017 at 4:02 PM

Hi Jesse:

Hope all is well with you and your family. Attached please find correspondence from the Law Enforcement Academy Board Subcommittee requesting the above-referenced materials. Please provide to me via email if possible. Our original letter went out via email to Herman, but we realized he is no longer with you guys.

I hope you are enjoying yourself with Laguna. You take care and if you are ever in Santa Fe, give me a holler. Be safe.

----- Forwarded message -----

From: <SFXerox@nmag.gov>

Date: Tue, Jan 17, 2017 at 3:22 PM

Subject: Scanned from a Xerox Multifunction Printer

To: "Montoya, Darlene" <dmontoya@nmag.gov>

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

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Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
[\(505\) 490-4854](tel:(505)490-4854)



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**Scanned from a Xerox Multifunction Printer.pdf**

71K

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**Jesse Orozco** <jorozco@lagunapueblo-nsn.gov>  
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>  
Cc: Harold Medina <hmedina@lagunapueblo-nsn.gov>

Sat, Feb 4, 2017 at 11:14 AM

Hello Darlene,

My apologies for the delay in responding. All is well here at Laguna, just busy. I have included Police Chief Harold Medina on this email response, as he replaced Herman. I have attached our Use of Force form and SOP. Please let us

know if we can be of further assistance.

Regards,

Jesse

**Jesse Orozco**

**Public Safety Director**

**Pueblo of Laguna**

**O: 505.552.5090**

**C: 505.876.0611**

**[jorozco@lagunapueblo-nsn.gov](mailto:jorozco@lagunapueblo-nsn.gov)**

**From:** Montoya, Darlene [mailto:[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)]

**Sent:** Tuesday, January 17, 2017 4:02 PM

**To:** Jesse Orozco <[jorozco@lagunapueblo-nsn.gov](mailto:jorozco@lagunapueblo-nsn.gov)>

**Subject:** RE: Request for Policies and Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

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**Montoya, Darlene** <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
To: Jesse Orozco <[jorozco@lagunapueblo-nsn.gov](mailto:jorozco@lagunapueblo-nsn.gov)>

Mon, Feb 6, 2017 at 8:33 AM

Hi Jesse:

Sorry to bug you but nothing was attached, could you please resend the SOP? Also the LEAB Subcommittee would also like to know how often the SOP is reviewed and/or revised; and how often your officers receive training on it.

Thank you.

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**Jesse Orozco** <[jorozco@lagunapueblo-nsn.gov](mailto:jorozco@lagunapueblo-nsn.gov)>  
To: "Montoya, Darlene" <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
Cc: Harold Medina <[hmedina@lagunapueblo-nsn.gov](mailto:hmedina@lagunapueblo-nsn.gov)>

Mon, Feb 6, 2017 at 9:26 AM

Good morning Darlene,

We make administrative amendments as needed or at least review every three years for amendments; and the officers receive training on the SOP when they start employment, and receive review and or training twice a year during night and day firearms qualifications.

**From:** Montoya, Darlene [mailto:[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)]  
**Sent:** Monday, February 06, 2017 8:33 AM  
**To:** Jesse Orozco <[jorozco@lagunapueblo-nsn.gov](mailto:jorozco@lagunapueblo-nsn.gov)>  
**Subject:** Re: FW: Request for Policies and Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

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**2 attachments**



**OPR 01 Use of Force Form.pdf**

24K



**OPR 01 Use of Force Procedures.pdf**

2634K

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**Montoya, Darlene** <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
To: Jesse Orozco <[jorozco@lagunapueblo-nsn.gov](mailto:jorozco@lagunapueblo-nsn.gov)>  
Cc: Harold Medina <[hmedina@lagunapueblo-nsn.gov](mailto:hmedina@lagunapueblo-nsn.gov)>

Mon, Feb 6, 2017 at 9:27 AM

Thank you so much Jesse. I will go ahead and add Chief Medina to our list. Take care and stay safe.

[Quoted text hidden]

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**Jesse Orozco** <[jorozco@lagunapueblo-nsn.gov](mailto:jorozco@lagunapueblo-nsn.gov)>  
To: "Montoya, Darlene" <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
Cc: Harold Medina <[hmedina@lagunapueblo-nsn.gov](mailto:hmedina@lagunapueblo-nsn.gov)>

Mon, Feb 6, 2017 at 9:42 AM

Thank you...let us know if you need anything further

**From:** Montoya, Darlene [mailto:[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)]  
**Sent:** Monday, February 06, 2017 9:28 AM  
**To:** Jesse Orozco <[jorozco@lagunapueblo-nsn.gov](mailto:jorozco@lagunapueblo-nsn.gov)>  
**Cc:** Harold Medina <[hmedina@lagunapueblo-nsn.gov](mailto:hmedina@lagunapueblo-nsn.gov)>

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<b>Public Safety Department Law Enforcement Program</b>	<b>PROCEDURE NUMBER OPR: 01</b>	
	<b>EFFECTIVE DATE: 02/04/2014</b>	<b>ORIGINAL ISSUED ON: 02/04/2014</b>
<b>STANDARD OPERATING PROCEDURES</b>		
<b>SUBJECT: Use of Force Procedures</b>	<b>REVISION NO: R-00</b>	

## **1.0 PURPOSE**

The purpose of this procedure is to establish rules for the use of deadly force and less lethal force.

## **2.0 APPLICABILITY**

This procedure shall apply to all sworn and certified Laguna Police Department Officers.

## **3.0 REFERENCES**

- A. Graham v. Conner 490 U.S. 386 (1989)
- B. Tennessee v. Garner, 471 U.S. 1 (1985)

## **4.0 DEFINITIONS**

- A. DEADLY FORCE: Such force that creates a substantial risk of causing death or great bodily harm.
- B. GREAT BODILY HARM: Such force that results in; (1) substantial risk of death, (2) protracted and obvious disfigurement, or (3) protracted loss or impairment of function of a bodily member, organ, or mental faculty.
- C. LESS LETHAL FORCE: Any other use of force other than deadly force.
- D. OBJECTIVELY REASONABLE FORCE: The amount of force that would be considered rational and logical to a reasonable officer on the scene, supported by facts and circumstances known to the officer at the time the force was used.
- E. PASSIVELY RESISTANT: A subject that refuses an officer's commands does not communicate threats towards the officer or another through words and actions, is not armed, and offers no physical resistance to the officer.

## **5.0 PROCEDURE**

Officers of the Laguna Police Department have the duty to use only that force that is reasonably necessary to affect arrests, overcome resistance and prevent harm to officers and the citizens we serve.

- A. GENERAL PROCEDURES:



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<b>SUBJECT: Use of Force Procedures</b>	<b>REVISION NO: R-00</b>	

1. The force used must be "objectively reasonable" in light of the facts and circumstances known to the officer at the time the force was used. This legal standard applies to all uses of force, both deadly force and less lethal force.
2. When force is justified, officers are not required to use the least intrusive level of force. It is only required that the force ultimately used be reasonable under the circumstances.
3. Following the use of any force the officer shall determine, as soon as reasonably practical, if anyone is injured, and render medical aid consistent with their training. Emergency Medical Services (EMS) shall be requested as necessary.

**B. DEADLY FORCE PROCEDURES:**

Officers are authorized to use deadly force when they have probable cause to believe that their life or the life of another is in imminent danger of death or great bodily harm.

**1. CONSIDERATIONS IN USING DEADLY FORCE:**

- a) Officers will control their firearms and deploy deadly force in a manner consistent with their training.
- b) Firearms are discharged with the primary intent to stop the suspect's actions and not to kill or injure.
- c) When feasible, officers should give a verbal warning prior to the deployment of deadly force.
- d) Warning shots are prohibited.
- e) Although firearms are the most likely method for the delivery of deadly force, if deadly force is warranted it may be accomplished by any means available to the officer.

**2. DEADLY FORCE AND VEHICLES:**

- a) Officers will not intentionally place themselves in the path, or likely path, of a fleeing vehicle in order to justify the use of deadly force.
- b) Officers will not fire at a moving vehicle for the sole purpose of attempting to mechanically disable the vehicle.
- c) Officers will not fire upon the occupants of a moving vehicle, unless the occupants of that vehicle are using, or attempting to use deadly force against the officer or others. Officers will consider the following prior to the deployment of deadly force in these circumstances:
  - 1) The likelihood that rounds not striking their intended target may harm innocent citizens.
  - 2) If the driver is incapacitated by gunfire, the uncontrolled vehicle may cause injury to innocent citizens.

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<b>SUBJECT: Use of Force Procedures</b>	<b>REVISION NO: R-00</b>	

d) The use of the Pursuit Immobilization Technique (PIT) shall be considered deadly force under the following circumstances:

- 1) At speeds greater than 35 MPH.
- 2) On motorcycles, three-wheelers, or All-Terrain Vehicles (ATV's) at any speed (spike or stop strips will also be considered deadly force when used on a motorcycle or three-wheeler).

PIT will not be used in these instances unless circumstances justify the use of deadly force. Only officers trained and currently certified in the use of PIT shall use this technique.

3. OTHER CIRCUMSTANCES JUSTIFYING THE DISCHARGE OF A FIREARM:

a) Officers may use their firearm to kill an animal under the following circumstances:

- 1) The animal poses a threat to the officers or others.
- 2) As a humanitarian measure when the animal is gravely injured.
- 3) When requested to do so by Animal Control.

b) Officers may discharge their firearms at an approved range for the purposes of qualification, training or competition.

C. LESS LETHAL FORCE PROCEDURES:

1. Officers will only use those empty hand techniques and less lethal weapons with which they have been trained, currently qualified, or currently certified with as determined by the Laguna Police Department training standards.
2. Officers will only use less lethal weapons issued and approved by the Laguna Police Department.
3. Less lethal options available to the officer range from officer presence to less lethal munitions.
4. As with all uses of force, less lethal force must be "objectively reasonable" in light of the facts and circumstances known to the officer at the time the force was used.
5. In situations where the suspect is armed or believed to be armed with a deadly weapon, the use of less lethal weapons and munitions shall only be used in conjunction with another officer who can provide a deadly force response should the less lethal weapon fail to stop the suspect's actions.
6. When an incident unexpectedly escalates, officers may use any means available to defend themselves or another, as long as the force used is objectively reasonable given the circumstances.
7. In all instances where force is used and results in a visible injury or complaint of injury, officers will summon EMS as soon as practical.



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8. Officers will secure less lethal weapons in the same manner as a firearm, whether on or off duty.

**D. LESS LETHAL FORCE OPTIONS:**

1. **OLEORESIN CAPSICUM (OC):** Officers shall carry the issued OC spray on their duty belt while in uniform.
  - a) Officers will use OC spray in a manner consistent with their training.
  - b) OC spray is not authorized on passively resistant individuals.
  - c) As soon as feasible, after a subject has been sprayed with OC, officers shall summon EMS for treatment. Prior to the arrival of EMS, officers should continuously monitor the subject for signs of serious medical issues.
  - d) Individuals that have been subjected to OC spray should be exposed to fresh air. They should not be placed in a confined space or in such a position that their breathing is impaired.
2. **CONDUCTED ENERGY IMMOBILIZATION DEVICE (TASER):**
  - a) **Use of TASER:**
    - 1) **Modes:** All modes are approved for use when used in a manner consistent with the officer's training.
      - Show Force Mode: showing the device, laser sight, and or "arc", to include "painting" the subject with the laser.
      - Drive Stun Mode: close quarter deployment, with or without the probes.
      - Stand Off Mode: deployment of the probes outside close quarter engagement.
    - 2) Upon deployment of the TASER, the officer will energize the device the least number of times to gain control over the subject. Officers should be cognizant that energized subjects may be unable to follow officer's commands or respond verbally.
    - 3) Consistent with training, officers shall give a verbal warning of, "TASER! TASER!" prior to its deployment.
    - 4) TASERs will not be used in a punitive or coercive manner.
    - 5) Horseplay or flippant behavior involving the TASER shall not be tolerated.
    - 6) TASERs will not be used on a handcuffed prisoner unless the prisoner continues to use physical force or violence against the officer or another person and they cannot be controlled by other means.

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- 7) TASERs will not be used against subjects that are passively resisting. The subject must, through words and actions, display violence towards the officer or another, or physically resist arrest.
- 8) TASERs will not routinely be used on a subject merely because they flee on foot. Officers must consider the severity of the crime committed or suspected, as well as the threat posed by the subject. Secondary injuries that might occur when a TASER is deployed against a fleeing subject should be considered.
- 9) TASERs will not be deployed in areas in which flammable or explosive materials are present, to include OC spray that is manufactured with a flammable carrier agent.
- 10) TASERs will not be used in situations where the subject's loss of control of their movements may result in serious injury, such as, on elevated surfaces, operating a motor vehicle or near bodies of water.
- b) Post deployment of the TASER:  
Officers will request EMS when a TASER is deployed against a subject in either "drive stun" or "stand off mode". EMS personnel will provide an evaluation of the subject and determine how the probes should be removed based on medical considerations.
- c) Carrying and securing the TASER:
  - 1) Officers issued, trained and currently certified in the use of the TASER will carry it at all times either in their police vehicle or on their person.
  - 2) The TASER will be maintained (batteries charged) in accordance with methods prescribed in the officer's training. Officers will routinely check the functioning of their TASER to ensure it is in proper working order.
  - 3) Officers carrying the TASER on their person will only do so by securing the TASER on the side of their body opposite their firearm in a holster specifically designed for the device.
3. BATON: Officers shall carry the issued baton on their duty belts while in uniform.
  - a) Officers will target only those strike areas/zones with their baton that are consistent with their training.
  - b) Officers shall not strike a subject in the head with their baton unless the use of deadly force is authorized.
4. LESS LETHAL / BEANBAG SHOTGUN:



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- a) Officers will deploy and use less lethal shotguns in a manner consistent with their training.
- b) Officers issued, trained and currently certified in the use of a less lethal shotgun shall carry the shotgun in their police vehicle. This shotgun shall be secured in the same manner as a standard 12-gauge shotgun.
- c) Less lethal shotguns will be dedicated to less lethal munitions only. Regular 12-gauge ammunition will not be fired from these weapons. The shotguns will be marked in a manner that designates them as less lethal. This will be accomplished by taping the stock and barrel with yellow duct tape, or painting the stock and forend yellow.
- d) Officers will inspect their shotguns prior to each shift to ensure they contain no regular 12-gauge ammunition in the chamber, magazine tube, or loading devices. Additionally, when feasible, officers should check the shotgun prior to an actual deployment.
- e) Consistent with training, officers shall give a verbal warning of, "Beanbag! Beanbag!" prior to firing a beanbag round at a subject as a warning to other officers that lethal ammunition is not being fired.
- f) In order to show proficiency and ensure the mechanical function of the less lethal shotgun, officers shall be required to complete a qualification course designated by the department on an annual basis.

APPROVED BY: \_\_\_\_\_

  
Public Safety Director

DATE: \_\_\_\_\_

2/4/14

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Current SOP Sections modified or replaced by this SOP revision:

- 7.8 Use of Force - General
  - A and B
- 7.10 Rules Regarding Use of Force
  - A, B, C, D, E, and F
- 7.11 Chemical Substances
- 7.12 Deadly Force
  - A and B
- 7.13 Justification of Use of Deadly Force
  - 1, 2, 3, 4, and 5
- 7.14 Rules Regarding Use of Deadly Force
  - A and B
- 4.14 Use of Firearms During a Pursuit
  - 1, 2, 3, and 4

**PUEBLO OF LAGUNA POLICE DEPARTMENT  
USE OF FORCE FORM**

**Incident Information**

Supervisor Preparing Report: \_\_\_\_\_ Date: \_\_\_\_\_  
Incident Number: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_  
Criminal Charges: \_\_\_\_\_

Officer's or Incident Supervisor: \_\_\_\_\_  
Officers Present: \_\_\_\_\_

**Subject Information**

Subject's Name: \_\_\_\_\_ Subject Arrested: ☐ Yes ☐ No  
Gender: \_\_\_\_\_ Age: \_\_\_\_\_ Subject Armed With: \_\_\_\_\_  
Visible Injury: ☐ Yes ☐ No Complaint of Injury: ☐ Yes ☐ No  
EMS Treated: ☐ Yes ☐ No Transported to Hospital: ☐ Yes ☐ No  
Photographs Taken of Subject: ☐ Yes ☐ No

**Officer Information**

Officer Using Force: \_\_\_\_\_ Employee Number: \_\_\_\_\_  
Visible Injury: ☐ Yes ☐ No Complaint of Injury: ☐ Yes ☐ No  
EMS Treated: ☐ Yes ☐ No Transported to Hospital: ☐ Yes ☐ No  
Photographs Taken of Officer: ☐ Yes ☐ No

**Type of Force Used (Mark all that apply)**

**Empty Hand Techniques**

☐ Pressure Point ☐ Impact Takedown ☐ Leverage Takedown  
☐ Hand / Foot Strike ☐ Knee / Elbow Strike ☐ Other: \_\_\_\_\_

**Intermediate Weapons**

☐ OC Spray ☐ Impact Weapons: ☐ Baton ☐ Bean Bag  
☐ Police Service Dog Apprehension (PSD)

**Electronic Control Weapon (TASER)**

Serial No: \_\_\_\_\_ Probes removed by: ☐ Officer ☐ EMS ☐ Other  
Cartridge No: \_\_\_\_\_ Probes, Cartridge, and AFID collected: ☐ Yes ☐ No  
Cartridge Deployed: ☐ Yes ☐ No No of Cycles Used: \_\_\_\_\_  
Number of Cartridges Deployed: \_\_\_\_\_ Duration of Cycles: \_\_\_\_\_  
Drive Stun Mode: ☐ Yes ☐ No

**Deadly Force - Firearm**

Firearm (Make/Model/Serial #/Caliber): \_\_\_\_\_

**Force Used Not Covered By Above Categories**

Description of Force Used: \_\_\_\_\_



### Supervisor Review

Sergeant (on scene): \_\_\_\_\_ Was the Use of Force Reasonable: ☐ Yes ☐ No

Comments: \_\_\_\_\_

Sergeant (principal's): \_\_\_\_\_ Was the Use of Force Reasonable: ☐ Yes ☐ No

Comments: \_\_\_\_\_

Lieutenant: \_\_\_\_\_ Was the Use of Force Reasonable: ☐ Yes ☐ No

Comments: \_\_\_\_\_

Captain: \_\_\_\_\_ Was the Use of Force Reasonable: ☐ Yes ☐ No

Comments: \_\_\_\_\_

### Chief of Police Review

Final Disposition: Was the use of force objectively reasonable under the circumstances? ☐ Yes ☐ No

Comments: \_\_\_\_\_

Discipline Imposed, to include retraining where appropriate: \_\_\_\_\_

Chief of Police: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**PUEBLO OF LAGUNA POLICE DEPARTMENT  
USE OF FORCE FORM**

**Incident Information**

Supervisor Preparing Report: \_\_\_\_\_ Date: \_\_\_\_\_  
Incident Number: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_  
Criminal Charges: \_\_\_\_\_

Officer's or Incident Supervisor: \_\_\_\_\_  
Officers Present: \_\_\_\_\_

**Subject Information**

Subject's Name: \_\_\_\_\_ Subject Arrested: ☐ Yes ☐ No  
Gender: \_\_\_\_\_ Age: \_\_\_\_\_ Subject Armed With: \_\_\_\_\_  
Visible Injury: ☐ Yes ☐ No Complaint of Injury: ☐ Yes ☐ No  
EMS Treated: ☐ Yes ☐ No Transported to Hospital: ☐ Yes ☐ No  
Photographs Taken of Subject: ☐ Yes ☐ No

**Officer Information**

Officer Using Force: \_\_\_\_\_ Employee Number: \_\_\_\_\_  
Visible Injury: ☐ Yes ☐ No Complaint of Injury: ☐ Yes ☐ No  
EMS Treated: ☐ Yes ☐ No Transported to Hospital: ☐ Yes ☐ No  
Photographs Taken of Officer: ☐ Yes ☐ No

**Type of Force Used (Mark all that apply)**

**Empty Hand Techniques**

☐ Pressure Point ☐ Impact Takedown ☐ Leverage Takedown  
☐ Hand / Foot Strike ☐ Knee / Elbow Strike ☐ Other: \_\_\_\_\_

**Intermediate Weapons**

☐ OC Spray ☐ Impact Weapons: ☐ Baton ☐ Bean Bag  
☐ Police Service Dog Apprehension (PSD)

**Electronic Control Weapon (TASER)**

Serial No: \_\_\_\_\_ Probes removed by: ☐ Officer ☐ EMS ☐ Other  
Cartridge No: \_\_\_\_\_ Probes, Cartridge, and AFID collected: ☐ Yes ☐ No  
Cartridge Deployed: ☐ Yes ☐ No No of Cycles Used: \_\_\_\_\_  
Number of Cartridges Deployed: \_\_\_\_\_ Duration of Cycles: \_\_\_\_\_  
Drive Stun Mode: ☐ Yes ☐ No

**Deadly Force - Firearm**

Firearm (Make/Model/Serial #/Caliber): \_\_\_\_\_

**Force Used Not Covered By Above Categories**

Description of Force Used: \_\_\_\_\_

### Supervisor Review

Sergeant (on scene): \_\_\_\_\_ Was the Use of Force Reasonable: ☐ Yes ☐ No

Comments: \_\_\_\_\_

Sergeant (principal's): \_\_\_\_\_ Was the Use of Force Reasonable: ☐ Yes ☐ No

Comments: \_\_\_\_\_

Lieutenant: \_\_\_\_\_ Was the Use of Force Reasonable: ☐ Yes ☐ No

Comments: \_\_\_\_\_

Captain: \_\_\_\_\_ Was the Use of Force Reasonable: ☐ Yes ☐ No

Comments: \_\_\_\_\_

### Chief of Police Review

Final Disposition: Was the use of force objectively reasonable under the circumstances? ☐ Yes ☐ No

Comments: \_\_\_\_\_

Discipline Imposed, to include retraining where appropriate: \_\_\_\_\_

Chief of Police: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_